

\*E-Filed 07/30/2010\*

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

MITCHELL E. BOUYER, et al.,

No. C 10-3351 RS

Plaintiffs,

v.

**DENIAL OF REQUEST FOR  
TEMPORARY RESTRAINING  
ORDER**

INDYMAC BANK, et al.,

Defendants.

Plaintiffs Mitchell and Martha Bouyer filed their Complaint on July 30, 2010 alleging, among others, violations of the Truth in Lending Act, 15 U.S.C. § 1601 *et seq* ("TILA") and its implementing regulations, 12 C.F.R. § 226 *et seq*. ("Regulations Z"). Plaintiffs have filed a document requesting a temporary restraining order ("TRO") enjoining defendants from conducting a trustee's sale of plaintiff's property, which the Bouyers represent is scheduled to take place in less than two hours on July 30, 2010 at 12:30 p.m. The plaintiffs' have certified that the application was either mailed or faxed to representatives of defendants HSBC Bank, Indymac Federal Bank, and MERS on July 30, 2010.

Although they advance eight claims for relief, the Bouyers do not include a factual section. Accordingly, while it is obvious from the papers that the Bouyers entered into some sort of loan with the named defendants, they have not in any way described the loan's terms, the date on which it was entered or what, if any, of defendants' actions gave rise to the TILA rescission right alleged.

1 Accordingly, plaintiffs' papers provide an inadequate factual or legal basis to grant the relief  
2 requested and no explanation for why relief could not have been sought at an earlier time when  
3 more meaningful review would have been possible. Although a foreclosure proceeding certainly  
4 presents the possibility for irreparable harm, plaintiffs have provided virtually no facts from which  
5 even a serious question going to the merits could be ascertained. Based on these papers and this  
6 record, the request for a Temporary Restraining Order must be denied.

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9 IT IS SO ORDERED.

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11 Date: 07/30/2010

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13 RICHARD SEEBORG  
14 UNITED STATES DISTRICT JUDGE  
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